

REMARKS

Claim Rejections Under § 102

Paragraph 2 of the Action rejects claims 1-2, 7, 11, and 21-22 under 35 U.S.C. 102(b) as being unpatentable in view of Helmstetter (U.S. Patent 5,755,624). Claims 1-2, 7, and 11 have been cancelled by the above amendments thereby rendering the rejection moot as to these claims. Accordingly, Applicant respectfully requests that the rejection be withdrawn as to cancelled claims 1-2, 7, and 11. Applicant notes, however, that claims 1-2, 7, and 11 are cancelled without prejudice, and Applicant expressly reserves the right to pursue any patentable subject matter that may be included in cancelled claims 1-2, 7, and 11 at a later time.

With regard to claims 21 and 22, Applicant respectfully traverses the rejection because Helmstetter fails to teach, suggest, or disclose every element of amended independent claim 21. In order for amended independent claim 21 to be anticipated by Helmstetter, Helmstetter must teach each and every element as set forth in amended independent claim 21 (see MPEP § 2131). Moreover, Helmstetter must teach the identical invention in as much detail as is contained in amended independent claim 21 (see MPEP § 2131).

Amended independent claim 21 is directed to a system for providing a wood golf club for a player in which a wood golf club can be constructed from a club head and a shaft. The player's swing can then be analyzed using the wood golf club. The shaft can then be attached to a second club head in order to analyze the player's swing with the same shaft but different club head.

Helmstetter on the other hand, simply discloses that different clubs comprising club heads with different centers of gravity should be tested by a player in order to determine the center of gravity that best suits the player's swing (see col. 6, lines 48-55); however, this is just

the common procedure when a player selects a club. In other words, a player normally selects a club, tries it to determine if it suits his swing, and then selects the club that best suits his swing.

Unfortunately, this traditional approach often results in the player selecting a club that is not optimally fit for his swing. As noted in the present application, there are numerous parameters related to both the shaft and the club head that effect the swing (see, e.g., page 10, ¶ 33). To test each of these parameters individually using the conventional approach taught in Helmstetter would not only be prohibitive in terms of time, but would require the availability of a different club for every parameter. Thus, the number of clubs required is also prohibitive.

By implementing the method claimed in amended independent claim 21, however, clubs can be constructed from different club heads and different shafts, each varying in terms of one or more parameters, quickly and easily. Thus, the optimum club configuration can be determined without undue time or a prohibitive number of clubs being required.

Because Helmstetter fails to teach, suggest or disclose every aspect of amended independent claim 21, Applicants respectfully request withdraw of the rejection as to amended independent claim 21. Further, because amended dependent claim 22 depends from amended independent claim 21, which is itself allowable over the art of record, Applicants respectfully request the withdrawal of the rejection as to amended dependent claim 22 as well.

Claim Rejections Under § 103

Paragraphs 4-11 of the Action reject claims 3-6, 8-10, and 12-20 as being unpatentable under 35 U.S.C. 103(a) in view of Helmstetter and in further view of various other references. Claims 3-6, 8-10, and 12-20 have been cancelled by the above amendments thereby rendering the rejection moot as to these claims. Accordingly, Applicant respectfully requests that the

rejection be withdrawn as to cancelled claims 3-6, 8-10, and 12-20. Applicant notes, however, that claim s 3-6, 8-10, and 12-20 are cancelled without prejudice, and Applicant expressly reserves the right to pursue any patentable subject matter that may be included in cancelled claims 3-6, 8-10, and 12-20 at a later time.

New Claims

Several new claims are added by the above amendments. Applicant believes that no new matter has been added through the addition of these new claims. Further, for many of the reasons described above, Applicant believes that the claims are allowable over the art of record.

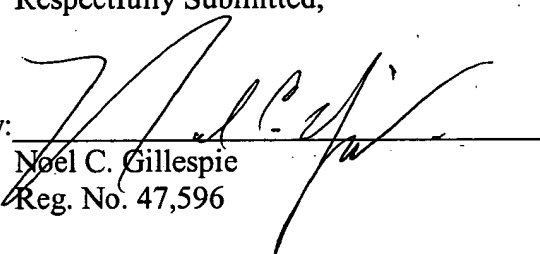
CONCLUSION

Based on the above amendments and remarks, Applicants believe that the claims are in condition for allowance and such is respectfully requested.

After the above Amendments, claims 21-84 are still pending in the application, of which claims 21, 28, 43, 53, 61, and 74 are independent claims. Thus, there are 63 total claims and 6 independent claims. Prior to the above amendments, there were 22 total claims and 3 independent claims. Accordingly, the fee for 41 additional claims and 3 additional independent claims is believed due. The Commissioner is hereby authorized to charge any fees required by this response to our Deposit Account No. **50-2613** (Order No. 38213.00012).

Respectfully Submitted,

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